

Attachment 1 - Civil Complaint

FILED

UNITED STATES DISTRICT COURT  
Southern DISTRICT OF TEXAS  
Houston DIVISION

AUG 10 2020

David J. Bradley, Clerk of Court

JOSE-REX-MARTINEZ-JR

(Enter your full name)

Plaintiff(s)

CASE NUMBER: \_\_\_\_\_

(Supplied by Clerk's Office)

Mineral Wells Police Department  
Police officers ET; AL; Palo Pinto County ET; AL;

(Enter full name of each Defendant)

Fort Worth U.S.D.C. Judge

Defendant(s)

COMPLAINT

First Paragraph (Name and Address of Plaintiff)

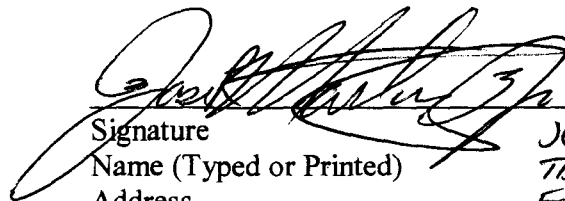
Second Paragraph (Name and Address(es) of Defendant(s))

Third Paragraph (Jurisdiction Plea)

Fourth Paragraph (Allegation 1)

Fifth Paragraph (Allegation 2) ...

The final paragraph should contain a statement of the relief you are seeking. This paragraph should not be numbered.



Signature

Name (Typed or Printed)

Address

Telephone Number

Jose-Rex-Martinez Jr  
TDCJ ID # 02276708  
Fort Stockton Unit  
1536 IH-10 East  
Fort Stockton Texas  
79735

FILED

(Plaintiff's Name and Address)

AUG 10 2020

" PLAINTIFF "

David J. Bradley, Clerk of Court

Jose-Rex-Martinez Jr.  
 Fort Stockton NS Unit  
 1536 I-10 East  
 Fort Stockton Texas 79735

" DEFENDANT'S "

(Defendants Place of Employment)  
 (Name and Address)

Employment

1) Mineral Wells Police  
 Department ET; AL;

Mineral Wells Police Department  
 Employment 512 Oak St.  
 Mineral Wells 76067

2) Cristal Menchaca  
 Mineral Wells Police Officer

Mineral Wells Police Department (Employment)  
 512 Oak St. Mineral Wells Tx 76067

3) Randall Caleb  
 Mineral Wells Police Officer

Mineral Wells Police Department (Employment)  
 512 Oak St. Mineral Wells Tx 76067

4) Judge Michael Moore  
 In The 29th District Court  
 Palo Pinto County, Palo Pinto Tx.

In the 29th District Court Palo Pinto Co. (Employment)  
 Palo Pinto Tx.  
 P.O. Box 187. Palo Pinto Tx. 76484-0187

5) Krista Burnett, District Atty.  
 P.O. Box 340  
 Palo Pinto Texas 76484

District Atty. Office  
 P.O. Box 340  
 Palo Pinto Tx 76484 } Employment

6) Robert DeBouis  
 District Ass. Attorney  
 Palo Pinto Co.

District Atty. Office  
 P.O. Box 340  
 Palo Pinto Tx 76484 } Employment

7) Janie Glover  
 District Clerk of  
 29th District Court

29th District Clerk } Employment  
 P.O. Box 189  
 Palo Pinto Tx 76484

8) Grand Jury of Indictment  
 All Members of the July  
 Term of 2018

29th District Court Palo Pinto Co.  
 P.O. Box 189  
 Palo Pinto Texas 76484

## Defendants Names and Addresses

- |                                                                                                                                       |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 8) Jury of Trial all 12<br>of them                                                                                                    | Defendants Place of Employment<br>Palo Pinto Co. P.O. Box 189<br>Palo Pinto Tx. 76484 |
| 9) Mineral Wells Police Department<br>Staff. Detective Office et al                                                                   | Defendants Place of Employment<br>512 Oak St.<br>Mineral Wells Texas 76067            |
| 10) Mike A Smiddy<br>P.O. Box 752<br>1301-B. S.E. 1 <sup>st</sup> Street<br>Mineral Wells Tx 76068                                    | Defendants Place of Employment<br>The Attorney at Law                                 |
| 11) Mr. Richard Ritchie<br>P.O. Box 98<br>Mineral Wells Tx 76068                                                                      | Defendants Place of<br>Employment<br>Attorney At Law.                                 |
| 12) Waylon Boles II<br>Palo Pinto Co Sheriff's office<br>& Juver                                                                      | Defendants Place of<br>Employment.<br>P.O. Box 189<br>Palo Pinto Tx 76484             |
| 14) United States District Court<br>Clerk - Name Unknown<br>(Initial) - D.A.<br>501 West Tenth St. Room 310<br>Fort Worth Texas 76102 | Defendants Place of Employment<br>U.S.D.C.                                            |
| 15) United States District Court<br>Judge John McBryde<br>501 West Tenth St. Room 310<br>Fort Worth TX 76102                          | Defendants Place of<br>Employment<br>U.S. D. C.                                       |
| 16) Kristy Pigg<br>708. S.E. 1 <sup>st</sup> 13 <sup>th</sup> St<br>Mineral Wells Tx<br>76067                                         | Defendant<br>Disabled.                                                                |

("Jurisdiction Plea")

"A-Security-15-U.S.C."

Non-Judicial Proceedings,  
Law of Commerce/Securities/  
Commodities/Exchange/Constitutionality  
of State Statutes.,/Commercial Law

- (1) Unless Orders, Motions, Bonds, Contracts are ~~written~~ written in; I Correct-Sentence-Structure-Communication-Parse-Syntax Grammar. The State Have No-Lodial-Title.
- (2) That I am Competent to State to the Matters set forth herein.
- (3) That ~~Attn~~ All the facts Stated herein are True, Correct, and certain, admissible as Evidence, and if called upon as a witness, I will testify to their Veracity.
- (4) That I have personal Knowledge of the facts Stated herein.
- (5) Closure-That there are no planes in this Court, We are on level feild.
- (6) There is No Adverb/Verb Illusions
- (7) There are No Boxes in this Court.
- (8) Were going to use Sytax Language.
- (9) What we say is Not Two + To = 4
- (10) That the eternal, unchanged principals of Commercial Law are;
  - (a) A Workman is worth of his hire
  - (b) All are ~~Deqad~~ equal under the law.
  - (c) In Commerce, Truth is Sovereign.
  - (d) Subogation = The term used when a person who doesn't owe they pay it and then is entitled to remedies Offered by the creditor, This term is the devise that forces the person who owes the debt to pay for it.
  - (e) Truth is expressed in the form of Affidavit.
  - (f) An Unrebutted Affidavit becomes the Judgement in Commerce.
  - (g) An Unrebutted Affidavit becomes the Judgement in Commerce
  - (g) An Unrebutted Affidavit Stands as Truth in Commerce.
  - (h) All matters must be expressed to be resolved.
  - (i) He who leaves the battlefield first loses by default.
  - (j) Sacrifice is the measure of Credibility.
  - (k) A lien or Claim can be satisfied only through an affidavit by a point-for-point rebuttal, resolution by jury or payment.
- (11) That Commercial processes are Non-Judicial and Prejudicial Because;
  - (1) No Judge, Court, Government or any agencies thereof, or any other third party whatsoever, can abrogate anyones affidavit of Truth; and only a party affected by an Affidavit can speak and act for him/her and is soley

- responsible for responding with his own affidavit of correct-facts and affidavit of Truth which no one else can do for Him/Her.
- (2) U.S. District Court, County and District Clerk unbind a Federal bonded vessel. Title 15 Violation.
- (3) For it should be Noted that willfull Suppression of Evidence is a Felony.
- (4) Any Cause of action will result in Law Suit.
- (5) For the Vacation of the Qualifaction of the Foreign-State: Title ~28: U.S.C.S. ~ 2072 with the D.C.-C. ~ 44.1
- (6) Attention; for the trap of the Citizens are with the claim of the fictional-Title ~28: U.S.C.S. ~ 2071: For the civil-Claim of the Uniform-Use in the United States District Court's (sic) is with the words of the future-tense of the fiction-Courts-English Language.
- (7) ~ For the Statement, 'Recognition By Congress of the Board-Rule-Making Power of the Court ~~will make~~ - ~~Proceed~~' will make (Rule-Making-Powers) "It" Possible for the Court and uniform-Procedures" ("To" = for the future-Tense) is with an Assumption-Authority in the future, Against the Noe-Time-Jurisdiction of the C.-S.-S.-C.-P.-S.-G- Laws, Rules or Claims.
- (8) For the title ~28: U.S.C.S. ~ 2071: Notes: Former Attorney-General: Cummings said, 'Legislative-Bodies Have Neither the time "To" Inquire Objective, (No-Contract), For the details of the Judicial-Procedures, (No-Cause), For the opportunity "To" No Amendment or No Change.
- (9) For the Word "To Inquire" In the future-Tense and "To Claim" (verb-fiction) In the future tense is with the void of the Jurisdiction by, The Judgement of A thing in the "Now Tense" Neglect To The Due Process of Law with the Facts.
- (10) For the Title ~28: U.S.C.S. ~ 2071: Notes; "The 1 Rules 2 of 1, Evidence 2 in 1 Fiction-Court 2" (Adverb-Verb) For the Proceeding (No Cause) Are with the civil-Procedures (No Contract) in the other-Courts.
- (11) For 4 the 1 court Coloring 2 of 1 Law 2, (Fiction-Verb) = Law of the foreign/fiction-Postal-Fringe-Flag or Adornments on the Flag of the Foreign/Fiction-Jurisdiction.
- (12) ~ For the Fictional-Title ~28: U.S.C.S. ~ 2072 (B); For the Rule against the abridge, enlarge or Modification of, any claim of the Person are with the law in the Conflict, Rules against the force or effect with the Claims-Effect.
- (13) For the Question; "How will the Citizens Stop the Fraud and; Justice?" "Justice" = Ju = No-Law, S = Speak, Ti = Title, CE = Judge <<<.



(Allegations)

(Affidavit of Obligation)

("Plain Statement of Facts")

- (1) All officers, including, But not Limited to Judge, Barraster/District Attorneys Bailiff, Clerk and Police/Whitness have knowledge of Modified Languages, Failed to stop or Correct such Mistake, Closure - Obstruct Modify Syntax, Docketed The Fraud; Failed to Correct - Fiction, Conspired in Criminal/Civil Actions without Correction of Docket, Obstruct - Modified Original Facts, Deprive Living: Jose-Rex-Martinez-Jr. - and - Jose-Rex-Martinez-Jr - and - Jose-Rex-Martinez-Jr From Correct information, Trial and Due Process, Rico, Unlawfull Arrest, No Jurisdiction - Under the Color of Law.,
- (2) For Jose-Rex-Martinez-Jr: Committed No Crime or Tort.
- (3) On February 03, 2020 Plaintiff Jose-Rex-Martinez-Jr, filed "A-Security-15-U.S.C." In the United States District Court Northern District of Texas, Wichita Falls Division
- (4) U.S.D.C. Clerk Filed and assigned case No. 7:20-cv-00014-0; Martinez v. John Doe;
- (5) On 2/5/20 the U.S.D.C. Wichita Falls sent an Order Requesting Statement and Plaintiff sent letter stating who He was referring to in His Instrument, and it gotten corrected later.
- (6) Complaint against all Defendants filed by; Jose-Rex-Martinez-Jr. was sent to U.S.D.C.
- (7) Explanation Sheet was attached to Instrument of filing, Notifying U.S.D.C. Clerk and Court, Proceedings are Non-Judicial.
- (8) On 2/19/2020 I recieved a letter of case Transferred to the U.S.D.C. Northern District of Texas Fort Worth Division.
- (9) New case No. 4:20-cv-00147-A on 2/19/2020
- (10) Plaintiff Noticed the Instrument was Amended with a 42 U.S.C. 1983 Complaint which was sent from Fort Stockton Unit T.D.C.J Notorized in Unit Law Library. However Plaintiff Never gotten a Case No. Plaintiff Never gave the courts Permission either."
- (10) On 2/19/20 U.S.D.C. Clerk Fort Worth assigned case no. 4:20-cv-00147-A Martinez v. Mineral Wells Police Department, Police Officers ET; AL;
- (11) On several occasions during the Month of March Plaintiff sent several Motions, along with Warning and Notice of Constitutional Violations 7<sup>th</sup> 11<sup>th</sup> and 14<sup>th</sup> Amendments.

- (12) 3/23/2020 Plaintiff Filed Motion (Commercial Affidavit Notice and Warning of Commercial Grace). This Notice was also including Violations of 7<sup>th</sup> 11<sup>th</sup> and 14<sup>th</sup> Amendments.
- (13) On 04/20/2020 Plaintiff filed Motion (Commercial Affidavit and Warning of Commercial Grace). This Notice and Warning of Commercial Grace is Filed 90 days from the day of filing. U.S.D.C. Clerk at this time is to enter Default Judgement on Defendants and U.S.D.C. Judge is to Grant Plaintiff Relief Sought in Claim.
- 14) On 5/12/2020 got a Docketed Sheet
- 15) On 6/9/2020 Plaintiff again wrote the U.S.D.C. about the Violations and told the U.S.D.C. I was writing the Supreme Justice.
- 16) Finally on the 7/28/2020 Plaintiff sent A letter to the ~~U.S.~~ S.E.C. concerning the Instrument!
- (17) Plaintiff wrote the Chairman of the U.S. S.E.C. Mr. Jay Clayton about Him Monitoring and Him Seeing my Fraudulent Unfair Trail in Palo-Pinto County Palo-Pinto Texas, and the Fraud and Violation of Plaintiff's "A-Security-15-U.S.C."
- (18) U.S.D.C. Judge John McBryde On 3/3/20 sent Memorandum Opinion Dismissing Complaint, Judgement, under 28 U.S.C. § 1915A<sup>\*</sup>(B)
- A) U.S.D.C. Judge John McBryde, had Knowledge of Jurisdiction in "A-Security-15-U.S.C." Non-Judicial Proceedings.
- 20) Plaintiff even sent several letters and Motions of Correct-Stop-Correct Sentence-Structure- Also Plaintiff's Notice and Warning of courts illegal Amending of Instruments. Plaintiff was ignore. When Ignorance is of No Exception especially in Law, or officers of Law.
- (21) U.S.D.C. John McBryde, Conspired with Defendants in case to Dismiss ~~case~~ knowing he had No Jurisdiction, the commit Fraud, Amending and after Plaintiff Notified several times, Judge John McBryde still intentionally knowing Fraudulent Plaintiff's Instrument "A-Security-15-U.S.C." Modifying Docket all Docket in the case was Modified, and Nature of Suit, Cause; in 42 U.S.C. 1983 Prisoner Civil Rights. That Court has Jurisdiction over and can Dismiss and Close. Not only Violating Federal laws, Conspiracy, Fraud and Constitutional Violations, Due Process, Under Color of Law.
- (22) "A-Security-15-U.S.C." once filed becomes a Federal Document, A Security any kind of Modifications, Fraud is a Federal Offense.
- (23) Again on another Date of 03/09/2020 Plaintiff filed Notice and Warning of U.S. Constitutional Violations by U.S.D.C.
- (24) Plaintiff filed Motion for Miscellaneous Relief because "A-Security-15-U.S.C." is Non-Judicial, a Court or Judge, Government agency, Can Not Dismiss case on

close or Rule over "A Security-15-U.S.C." After Time Allowed to Rebut and Default Judgement Entered.

- 25.) The High Courts have further decreed that want of Jurisdiction Makes... "all acts of Judges, Magistrates, U.S. Marshalls, Sheriffs and local Police, All Void and Not Just Voidable." Nestor Vs. Kershey 425 F.2d. 504.
- (24) The Order to Dismiss and Close case No. 4:20-cv-00417-A is: Void Judgement - "which has No Legal force or effect, invalidity of which maybe asserted by any person whose rights are affected at any time and at any place directly or collaterally." Reynolds Vs. Volunteer State Life Ins. Co., Tex. Civ. App., 80 S.W. 2d 1087, 1092.
- (27) Voidable Judgement - "One apparently Void, but Not Truth Wanting in some material respect." City of Lufkin Vs. McVicker, Tex Civ. App., 501 S.W. 2d. 141, 144.
- (28) Plaintiff Sent the U.S.D.C. A Motion for Default Judgement on 4/27/2020 against all Defendants. Under Civ. R. Proc. 58.(2).(b).(c). and Civ. R. 58.(a)(b)(1). also Civ. Rule. 60.(b)(1)(2)(3)(4)(6).
- (29) U.S.D.C. Judge has Violated Plaintiffs Due Process so Did 29<sup>th</sup> District Court Judge, D. 45. E.g. ALJ, of Color of Law under Color of Law. In the 14<sup>th</sup> Amendment of U.S. Constitution. Not Ruling on any Motions Filed by Plaintiff and Correcting Docket, reopening Case...
- (30) Plaintiff requested U.S.D.C. Correct and Rule on Pending Motions. Plaintiff was informed that case was closed and ruling of Pending Motions is at the Courts discretion. U.S.D.C. Judge had No Jurisdiction to close case 4:20-cv-00417-A.
- (31) It is a Fundamental principle in our institution, indispensable to the preservation of Public Liberty, that one of the separate departments of government shall Not Usurp Powers Committed by the Constitution to another department, Mugler Vs. Kansas, 123 U.S. 623, 663
- (32) That an officer or employee of the State or one of its subdivisions is deemed to be acting under "Color of Law" as those deprivations of right committed in the fulfillment of the Task and obligations assigned to him/her. Monroe Vs. Pape, (1961), 356 U.S. 167.
- (33) Actions by State, Officers and Employees, even if unauthorized or in excess of authority, can be actions under "Color of Law." Springer Vs. Dilger, (1943), Ca. 10 Colo. 313, Fd 534.
- (34) "With Regard particularly to the U.S. Constitution, it is elementary that a right secured or protected by that document cannot be overthrown or impaired by any State, Police authority." Donnelly Vs. Union Sewer Pipe Co., 184, U.S. 540; LaFarmer Vs. Grand Truck R.R. Co., 24 A. 848;
- (35) Economic necessity cannot justify a disregard of Cardinal Constitution guarantee. Piley Vs. Carter, 165. O.K.A.L 262; 25 P2d 666; 79 ALR. 1018.



- (36) When any Court Violates the Clear and Unambiguous language of the Constitution, A Fraud is perpetrated and No One is bound to obey it. (See, 16 Mo. Jur. 2d 177, 178) State Vs. Sutton, 63 Minn. 147, 65 N.W. 262, 30 L.R.A. 630 Am. 459.
- (37) "The 'Liberty' guaranteed by the Constitution must be interpreted in the light of the Common Law, the principles and History of which were familiar and known to the Framers of the Constitution. This liberty denotes the rights of the individual to engage in any of the Common occupations of life, to locomote, and generally enjoy those Rights long recognized at Common Law as essential to the orderly pursuit of Happiness by Free Men." *United States Vs. Kim, Ark, 169 U.S. 649, 654.*
- (38) So with all of that in Mind, cite/deliver the cases above and you have given the agency, ect. Knowledge!
- (39) Under U.S.C. Title 42 § 1984. Action for neglect to prevent... it States; Every person who, having knowledge that any wrongs conspired or to be done... and having Power to Prevent or aid in Preventing... Neglects or Refuses so to do... Shall be liable to the Party injured... and;
- (40) This Means of "Knowledge", especially where it consists of Public records is deemed in law to be "Knowledge" of the facts". As the Means of "Knowledge" if it appears that the individual had Notice of information of the circumstances which would put him on inquiry, which if followed would lead to "Knowledge", or that the facts were presumed to have had actual Knowledge of the facts and maybe subsequently liable For any damage or injury.
- (41) You; therefore have been given "Knowledge" of the facts" as it pertains to this Conspiracy to Commit A Fraud against me.
- (42) U.S.D.C. Judge had "Knowledge of the Facts" in case No. 4:20-cv-00147-A and conspired with (Mineral Wells Police Department, Police Officers ET; AL; Palo Pinto County District Attorneys office and Staff; Grand Jury; Trial Jury; 29th District Judge Michael Moore; District Clerk; Defense Counsel; Appeal Counsel; St. Deputy of Palo Pinto County Waylon Boles II; ET; AL;) agency committed Fraud; Deceit; Coercion; willfull intent to injure another; Concealed Evidence; Malicious acts; Rico activity and conspired by: Modified Docket; Amended "A-Security-15-U.S.C." Committed Fraud,
- (43) Unconscionable "Contract" - "One which No Sensible Man Not Under Delusion, or duress, or indistress would make, and such as no honest and fair Man would accept."; *Franklin Fire Ins. Co. Vs. Noll, 115 Ind. App. 289, 58. N.E. 2d. 947, 949, 950, and;*
- (44) Since the "Consideration" is the "Life Blood" of any agreement or quasi-agreement, (Contractus) "...the absence of such from the record is a major manifestation of want, want of Jurisdiction, since without evidence of "Consideration." There can be No Presumption of even a quasi-contractus. Such is the important

- importance of a "consideration." Reading *R.R. Co. vs. Johnson*, 7 Wt.S. (Pa.), 317.
- (45) "A State May Not impose a charge for the enjoyment of a right granted (sic) by the Federal Constitution"
- (46) For it should be Noted that willfull suppression of evidence is a Felony. Any cause for Action will result in law suit.
- (47) Remedy and Recourse are (2) two Characteristics in every system of Law. Remedy and Recourse are found in the U.C.C First Volume 1~207 and 1~103.
- (48) I seek remedy and recourse, If Remedy is Not Granted without Prejudice -  
- I Living Jose-Rex-Martinez Jr.; The Executor of the Estate; Jose-Rex-Martinez-Jr.; (Legal-Fiction). Estate: Jose-Rex-Martinez-Jr.; Tax I. U. ending 2247; does Not exist, is not real, Is Fraudulent Trust Exisited through, The Fictious use of language, and 150 Different Laws that Articulate, Fals- and - Misleading Statements, Deprivation of Rights under the Coloring of Law, Fraud, Perjury, with fines upto \$25,000,000.00 and 20 years in Prison.
- (49) When rights secured by the Constitution are involved there can be No Rule Making or legislation which would Abrogate them. *Miranda vs. Arizona*, 384, U.S. 436, p. 491.
- (50) "The Claim and exercise of a Constitutional Right cannot Be Converted into A Crime." *Miller vs. U.S.*, 230 F.2d. 486, 489.
- (51) "The Officers of the Law, in the execution of process, are required to know the requirements of the Law, and if they mistake them, whether through Ignorance or design, and anyone is Harmed by their error, they must respond in clamages." *Roger vs. Marshall* (United States vs. *Conklin*), 1 Wall. (US) 444, 17 Fed. 74
- (52) "Judges, Members of City Council, and Police Officers, as well as other public officials, may utilize good faith defense of action for clamages under 42: 1983, But No Public Official has absolute immunity from suit Under the 1871 Civil Rights Statute." (*Samuel vs. University of Pittsburg* 375 F. Supp. 119." see also *White vs. Fleming*, 374 Supp. 267.)
- (53) When enforcing mere Statutes, Judges of all Courts do Not act judicially, (and thus are Not Protected by "qualified" or "limited" immunity." See; *Owen vs. City*, 445 U.S. 462; *Boothke vs. Terry*, 713 F.2d 1404) -- "but merely act as an extension as an agent for the involved agency -- but only in a "Ministerial" and Not a discretionary Capacity." *Thompson vs. Smith*, 154, S.E. 579, 583;
- (54) "Judges Not Only can be Sued over their Official acts, but could be Held liable for injunctive and declaratory Relief and Attorney fees." *Lezama vs. Justice Court*, A025829
- (55) "The immunity of Judges for acts within their judicial role is beyond Civil." *Pierson vs. Ray*, 386 U.S. 547 (1951)

- (56) "There is No Common Law Judicial immunity." *Pulliam Vs. Allen*, 104 S.Ct. 1970; cited in *Lezama Vs. Justice Court*, 4025829.
- (57) Take Due Notice all Government Officials, Servants, Judges, Lawyers, Clerks, Employees;
- (58) "Ignorance of the LAW DOES NOT EXCUSE MISCONDUCT IN ANYONE, least of all in a Sworn Officer of the LAW." In RE: McLowan, (1917), 177 C. 93. 170 P. 1100
- (59) "All are presumed to know the Law." *San Francisco Gas Co. Vs. Brickwedel* (1882), 62 C. 641; *Lincoln Vs. Superior Court*, (1888) 95 C.A. 35, 271 P. 1107;
- (60) "It's one of the fundamental Maxims of the Common Law that IGNORANCE of the Excuses No One." *Daniels Vs. Dean*, (1905). 2 C.A. 421, 84 P. 332.
- (61) "Judges acted in the face of Clearly valid Statutes or Case Law expressly Depriving Him of (Personal) Jurisdiction would be liable." *Dykes Vs. Mosemann*, 743 F.2d 1488 (1984)
- (62) "In such case the Judge has lost his/her judicial Function, has become a mere private person, and is liable as a trespasser for Damages resulting for his/her unauthorized acts."
- (63) "Where there is No Jurisdiction there is No Judge; the ~~proceedings~~ <sup>proceedings</sup> is as nothing. Such has been the law from the day of the Marshalsea, 10 Coke 68; also *Bradley Vs. Fisher*, 13 Wall, 335, 351."
- (64) "A distinction must be here observed between excess of jurisdiction and the clear absence of all jurisdiction over the subject-matter any authority exercised is a USURPED authority and for the exercise of such authority, when the want of Jurisdiction is known to the Judge, No excuse is permissible." *Bradley Vs. Fisher*, 13. Wall 335, 351, 352.
- (65) "When acting to enforce A Statute and its Subsequent Amendments to the present date, the Judge of the municipal Court is acting as an administrative officer and Not in a judicial capacity; Courts administering or enforcing statutes do Not act judicially, but merely magisterially... but merely act as an agent For the involved agency - but only in a "Ministerial" and Not a "Discretionary" - Capacity..." *Thompson Vs. Smith*, 154. S.E. 579, 583; *Keller Vs. V.P.C.* 261 U.S. 428; *F.R.C. Vs. G.E.* 281, 282, 464 (emphasis added).
- (66) Defendants; U.S.D.C. Judge, U.S.D.C. Clerk, Attorney Mike Smiddy, Appell Attorney Richard Ritchie, Palo-Pinto County District Court Judge Micheal Moore, Palo-Pinto County District Attorney's Office and Staff; P.I. ect, Mineral Wells Police Department and Police Officers, Clerk, Grand Jury and Trial Jury; including but Not limited; are Violating several inalienable - rights - and Protections and committing crimes and issuing Adverb/Verb Orders, Adverb/Verb opinions and communicating and Adverb/Verb phrase English or legalize.



- (67) These said Persons, groups and Departments have, Including but Not limited to, personal Injury, Pain and Suffering, Cruel and Unusual Treatment, Rape of my Mans Mind, Body, Soul, Holy Spirit, Sexual Harassment, Sexual Abuse, and Stalking (Open P.R.E.A. case) in T.D.C.J., County Jail, Public and Private Party. Due Process of Law, Under Color of Law, Fraud, Conspiracy. U.S. Constitutional Violations, all being Felony Federal Offenses...
- (68) For the Violation of the Due-Process is with the Claim of the trial by the Jury.
- (69) For the Swearing of the Claim is with the Oath in the Truth, that all facts in this case are in the Now-Tense as a Noun-Jurisdiction. For the noun as the Verb is with the Verb-Fiction-Jurisdiction in the Fiction of an Opinion-Fiction.
- (70) For the witness with the Knowledge is with the Claim for the party in the Truth for the Party of Vacation of the guilt is with the Vacation of the knowledge. For the Party of the "Not Guilty" is with the guilt as the Verb for the Corporation of the Court in the Verb-Joinder in the Fiction. For the Term; "No-Contest" = (Adverb/Verb) Is for the Same. 12241134134
- (71) When the parliamentary-Court of the Claim is with the Corporation-case-filing-with the joinder/unity with the fiction-civil authorities are with the fault of the Violation of the Party's Rights for grievance. For the military of the Claim is with the Control of the Court when the Civil-Authorities fail for the Claim of the pleadings of the party and for the Violations of the Charter-Vessel-Contract.
- (72) For the Fiction is with the arrest of the Military for the fictional with the Tort of the Party's-rights in the Court for the Kidnapping in the Neglect of the Title ~ 42:21.S.C.S. ~ 1986, for the knowledge of the Law for the Neglect of the Stopping and Correcting of the wrong for the Fiction-Language with the Fictitious-Language of the Title-18:21.S.C.S. ~ 1001 and 1002 = (For the prison term of the 10 years or less, or the Fine of the 31-Troy-Ounces-of the .999-Fine Gold) in the Tort and Misprison of a Felony with the Title 18:21.S.C.S. ~ 4, For the accessory after the Fact = with the Title 18:21.S.C.S. ~ Three (3) For the Tort of the Claims of the Charter-Vessel-Citizen in the party by the Clerk of the Court and by the Officers of the Court in the written-paper of the Courts handwriting and by the Swearing into the Fraud and Perjury of the Oath by the Officers of the Courts.
- 73) For the Court written-motion is with the Fiction by the Modification of the written-word. For the Affirmation (outside of the Now-Time-quantum) of the perjury, (Fiction of the language-claims)- of this parliamentary (King)-Motion-Pleadings against the Party for the fiction parliamentary-courts of the written-pleadings are with the Charges in the Future-Tense of the facts with the Vacation of the Now-Tense-~~of the facts with~~ Jurisdiction with the Vacation of the Party for the Violation of the Due-Process with the Charges of the Vessel for the Conclusion of the Plea with the Fiction-presumption of the Charges in the Court



of the fiction-Parliamentary-Court.

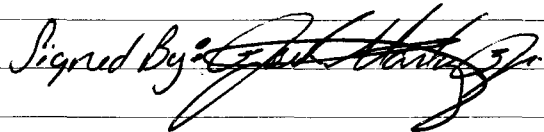
- (74) All parties who proceed to act or assist in said actions, against this Claimant, Jose-Rex-Martinez-Tr., Without though, Verifiable, point-by-point Rebuttal of each and every point set forth in this Affidavit Shall be immediately charged with Criminal Fraud, Conspiracy against Rights, U.S. Constitutional Violations, and Criminal Felony - Federal Offenses and Commercial-Liens, shall be placed against all their real Personal Properties and For the Grand Total of Damages of \$37,750,000.00 also listed in the Accounting of Damages Sustained.
- (75) The failure to respond/rebut, as herein required to this Affidavit, within the here in the herein prescribed time of thirty (30 days) will be deemed by this Affidavit to invoke the doctrine of acquiescence and admission, to recover, in Commerce, the lost of damaged properties plus-ained, penalties and costs.
- (76) That this Commercial Affidavit, Notice and Warning of Commercial Grace, is the one and only such Notice and Warning. If the Defendants Do Not within thirty (30) Days Immediately Correct Docket and reopen Case Number - 4:20-cv-00147-A, Grant Relief in said case, Return all properties. Discharge all Civil/Criminal Charges against Plaintiff; Discharge Bond and Cases in the Trust/Legal Fiction; Jose-Rex-Martinez-Tr., it shall be considered a willfull Disregard for this Notice and Warning and such shall engender the immediate filing of Criminal Complaints, (Affidavits of Obligation) and Commercial-Lien, (Affidavits of Information) Against all Living-Real-Persons.
- (77) That the respondents Violation of Title; 18; 15; 42; U.S.C. and this Affidavit or response/rebuttal to said Claims or Charges, Created the mutually Voluntary, Consensual, Commercial, private contract by and between the Undersigned and Respondents' Failure of Respondents to properly rebut the statements contained herein within (30) days, (Or in the alternative pay all damages listed herein to the Undersigned). Shall constitute deliberate Criminal actions and willfull breach of and Default of the Agreement made by and between the Claimant and the Respondents/Defendants.
- (78) The Lien-Claimant does not rely on Title \*15 as a Basis For the "Commercial-Lien; All Commercial Processes, by using or relying on notes or paper in Commerce, (e.g. Federal Reserve Notes), Must bear some sort of Federal tracking code, A County's Recorder's Number or a Serial Number, which process must be accessible for Inspection at Nearest Relevant County Recorder's Office or be widely advertised. When a Lien Matures in three (3) months, Ninety (90) days, by Default of the Lien Debtors through the Lien Debtors, failure to rebut affidavit of Obligation point-for-point categorically, it becomes an Account receivable in the ordinary sense

of a Collectable debt upon which Assignments, Collateralization, and other Commercial Transaction can be Based, hence becomes A Security Subject to Observation, tracking, and regulation by the United States Securities and Exchange Commission.

(79) The Notation "A Security-15-U.S.C." Is A Flag in Commerce telling the U.S. S.E.C. That a Speculation account is being established to enforce a Lien. The U.S. S.E.C. can then Monitor the Process, As long as the process is Truthful, open and above-board, (Full-Disclosure), the U.S. S.E.C. has No Jurisdiction over it, For even the U.S. S.E.C. has No Jurisdiction over the Truth of Testimony, Deposition, Affidavit, and Affidavit of Obligation (Commercial-Lien) and an unrebutted affidavit Stands as the Truth in Commerce.

(80) When Affidavit is so flagged in Commerce, it becomes a Federal Document because it could become translated into A-Security (For example by being attached in support of a Commercial-Lien, and not accepting and/or Filing a Commercial-Affidavit becomes A Federal Offense.

(81) This instrument was prepared by Jose-Rex-Martinez-Tro, and I Affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by Law.

Signed By: 

Date: 08/03/2020

## Accounting of Damages Sustained...

- (1) Violation of Title 42: U.S.C.S. - 1983: Personal Damages; \$10,000,000.00
- (2) Violation of Title -18: U.S.C.S. - 1512: Obstruction of Law; \$250,000.00
- (3) Violation of Title -18: U.S.C.S. - 242: Ailing = Corruption at the Start/Beginning, Under Color of Law; \$250,000.00
- (4) Violation of Title -18: U.S.C.S. § 4 Misprison of Felony; \$250,000.00
- (5) Violation Title -42: U.S.C.S. - 1986; Knowledge and Stop-Correct-Wrongs; \$250,000.00
- (6) Violation - F.R.C.P. - 9-B; Fraud by Confession; \$250,000.00
- (7) Violation of Title -15: U.S.C.S. - 1692(E); Fraud and Misleading Statements; \$250,000.00
- (8) Violation of Title -15: U.S.C.S. - 78-FF: Penalty's; \$250,000.00
- (9) Violation of Title -42: U.S.C.S. - 1985-1; Conspiracy - Civil; \$250,000.00
- (10) Violation of Title -42: U.S.C.S. - 1985-2; Obstruction Evidence and Witness; \$250,000.00
- (11) Violation of Title -18: U.S.C.S. - 241; Conspiracy against Rights; \$250,000.00
- (12) Violation of Title -18: U.S.C.S. - 241; Criminal - Conspiracy; \$250,000.00
- (13) Violation of Title -18: U.S.C.S. - 1986: Criminal Participation Knowledge; \$250,000.00

Grand Total of Damages  
Sustained...

\$37,750,000.00

## "Relief Sought"

Wherefore, I Jose-Rex-Martinez-Jr., Man, rightfully and respectfully move the court to discharge any and all fraudulent charges Bonds, Civil/criminal against Jose-Rex-Martinez-Jr., Also immediatley after 30 days from the day of filing of this instrument "A-Security-15-U.S.C." Criminal Complaints (Affidavit of information) and Commercial Lien (Affidavit of Obligation) be ~~put~~ placed against all Defendants, (Living-Real-Persons); after 60 days Commercial Grace. Default Judgement be Entered and each Defendant Be Ordered to Pay Plaintiff Damages of the Amount of \$37,750,000.00 and all Defendants be charged with Federal Felony Offenses of Fraud, Conspiracy, Constitutional Violation and Violation of Title's 42, 15, 18, U.S.C. and U.S.C.S., (And/or in the alternative reopen case No. 4:20-cv-00147-A., Grant Plaintiff Relief and Pay all Damages listed in referenced case.) and a restraining orders be placed against all Defendants and Departments., All parties of interest are to send all future Correspondences in % the clearly designed Number place on the mail-box indicated at geographical location listed hererin, Via U.S. Mail, Correspondence sent otherwise will Not satisfy "Proper Service" and will be deemed contrary to proper communications. I am sure that all lawfull parties interested in Rebutting and Refuting Fraud and seeking to correct the commonly used methods of "Malfeaseance" and "Mail Fraud" by which such unconstitutional acts have been commonly committed through "Misrepresentations". Coneley Vs. Gibson. 355 U.S. 41, 45, -45, -46, (1957). Please Send Plaintiff A Copy.

This legal Notice to Principal is legal Notice to Agent:  
and this Legal Notice is a Legal Notice to Principal.

Presented For the Record in Good Faith;

Jose Rex Martinez #02276708  
Fort Stockton N5 Unit  
1536 IH-10 East  
Fort Stockton Texas 79735



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the filing of a complaint for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

FILED

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Pecos County

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro-Se Fort Stockton Unit, 1536 IH10  
 Jose-Rex-Martinez Jr #02276708  
 Fort Stockton Texas 79735

## DEFENDANTS

AUG 10 2020

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

David J. Bradley, Clerk of Court  
Pecos County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) ??

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                                   | DEF                                   |                                                               | PTF                        | DEF                        |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other                                                                                                                                                                                                                                                 | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark          | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input checked="" type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input checked="" type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education                                                                                                                                                                                                                          | <b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                                             | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

"A-Security-15-U.S.C."

Brief description of cause: Violations of 11th and 14th Amendment Rights, Conspiracy, FRAUD

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 37,750.00  
 (each) \$ 37,750.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 08-03-2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

José Martinez Jr. #02276708  
Fort Stockton Unit  
1536 IH-10 East  
Fort Stockton Texas  
79735

U.S. District Court  
Southern District of Texas  
NOTICE FILED

AUG 10 2020

David J. Bradley, Clerk of Court

Clerk, United States District Court  
Southern District of Texas  
United States Courthouse  
P.O. BOX 61010  
Houston, Texas 77208

MIDLAND TX  
AUG 15 2020